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REPLY TO:
RIDGEWOOD OFFICE

August 19, 2015

VIA ECF

Honorable Michael A. Hammer, U.S.M.J.
Martin Luther King Building & U.S. Courthouse
Court Room 2C
50 Walnut Street
Newark, New Jersey 07102

**Re: East Coast Test Prep LLC, et al.
v. Allnurses.com, Inc., et al.
Civil Action No. 15-cv-3202 (MCA) (MAH)
Our File No. 11299-001**

Dear Judge Hammer:

Following up on yesterday's telephone status conference held by Your Honor, I would like to clarify that whether by way of subpoena pursuant to Rule 45 (which does not prohibit serving a subpoena on a party) or by way of a Notice To Produce pursuant to Rule 34, Plaintiffs seek permission to immediately serve Defendants Allnurses.com, Inc. and Brian Short with the 9 Document Requests, which were first served on Defendants more than three months ago in state court and are included in the subpoenas (ECF 19-2, Exhibit "C" at 17-64 of 178).

Due to the months that have elapsed since the discovery requests were initially served, and then the motion for expedited discovery filed (ECF 19/20), and especially now that the court has held an initial Conference, Plaintiffs seek permission to serve **both** the subpoenas and serve formal document requests pursuant to Rule 34. Time is of the essence, and substantial prejudice is likely to occur to Plaintiffs otherwise (and likely has already occurred).

I also renew my request to move up (sooner) the Scheduling Conference, which was adjourned from July 28, 2015 to Monday, September 14, 2015 (ECF Docket Entry

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July 25, 2015) over my objection (ECF 35).) As I explained in my letter to Your Honor dated July 27, 2015 (ECF 36), the new date, as well as September 15, are the first two days of the Jewish New Year, Rosh Hashanah. My observance of these high holidays would prevent me from attending a court conference on these days. It is also noted that I also observe Yom Kippur, which begins Tuesday evening, September 22, and lasts through Wednesday, September 23, 2015.

Because of the aforesated scheduling conflict and Plaintiffs' immediate and critical need of certain discovery information prior to the destruction of John Doe ID information by ISP's and OSP's upstream (see, e.g. ECF 35), Plaintiffs ask Your Honor to reschedule the Conference to a sooner date, unless the court gives Plaintiffs permission to serve both Notices To Produce (comprising the 9 Document Requests) and the Subpoenas. Alternatively, I ask that the date of the Conference be rescheduled in any event due to my conflict.

Respectfully,

Hartman & Winnicki, P.C.

By: 

Richard L. Ravin, Esq.

cc: Keith Miller, Esq. (via ECF)
Justin Quinn, Esq. (via ECF)
Mark Olynyk, President, East Coast Test Prep, LLC (via email)